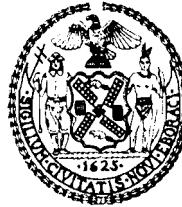


**MEMO ENDORSED**

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LAW DEPARTMENT**  
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*SEP 3 2008*

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September 3, 2008

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 9/4/08  
DATE FILED: 9/4/08**

**VIA HAND DELIVERY**

Honorable Richard M. Berman  
United States District Judge, SDNY  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: Mark Kapiti v. Raymond W. Kelly, et al., 07 Civ. 3782 (RMB) (KNF)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to the defense of the above-referenced matter on behalf of defendants City of New York, the Property Clerk of the New York City Police Department ("Property Clerk"), and New York City Police Commissioner Raymond Kelly. In that regard, I write to respectfully request a short two day enlargement of time until September 5, 2008 for the parties to file their joint pre-trial submissions with the Court. Plaintiff consents to this request.

As background, the above-referenced matter is scheduled to go to trial on October 6, 2008. Pursuant to this Court's Order, dated May 1, 2008, the parties are required to file a joint (1) list of witnesses; (2) list of names and places; (3) jury charge; (4) verdict sheet; and (5) motions *in limine* today. However, counsel for plaintiff was not in his office from August 22, 2008 through September 1, 2008. Thus, plaintiff faxed defendants his portion of the joint submissions yesterday evening. Counsel for defendants did not view plaintiffs' portion of the submissions until today. Therefore, in order to give the parties a reasonable amount of time to confer and create joint submissions that are compliant with this Court's rules, defendants respectfully request a short two day enlargement of time until September 5, 2008 for the parties to file the pre-trial submissions with the Court.

Application granted.

**SO ORDERED:**  
Date: 9/4/08

*Richard M. Berman*  
**Richard M. Berman, U.S.D.J.**

I thank the Court for its consideration in this regard.

Respectfully submitted,



David M. Hazan (DH-8611)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc:

**VIA FACSIMILE**

Honorable Kevin Nathaniel Fox  
United States Magistrate Judge, SDNY  
Daniel Patrick Moynihan United States Courthouse  
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